

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

V.

JOHN M. FIFE, CHICAGO VENTURE
PARTNERS, L.P., ILIAD RESEARCH AND
TRADING, L.P., ST. GEORGE
INVESTMENTS LLC, TONAQUINT, INC.,
AND TYPENEX CO-INVESTMENT, LLC,

Defendants.

Civil Action No. 1:20-cv-05227

Honorable Nancy L. Maldonado
Honorable Heather K. McShain

**MOTION BY PLAINTIFF UNITED STATES SECURITIES AND EXCHANGE
COMMISSION TO COMPEL DISCOVERY**

Plaintiff United States Securities and Exchange Commission (“SEC”) respectfully files this motion to compel discovery against Defendants John M. Fife (“Fife”) and entity Defendants Chicago Venture Partners, L.P., Iliad Research and Trading, L.P., St. George Investments LLC, Tonaquint, Inc., and Typenex Co-Investment, LLC (collectively, the “Entity Defendants”) (together, with Fife, “Defendants”). In support of this motion, the SEC states as follows:

1. The SEC's Motion to Compel addresses two discovery failures by Defendants.
2. First, for purposes of discovery, Defendants unilaterally and selectively decided to re-define the terms "Defendants" and "convertible debt" from the definition the SEC gave those terms in the SEC's discovery requests. As revealed in the January 2023 Rule 30(b)(6) deposition of the Entity Defendants' representative, this decision has resulted in Defendants' exclusion from

discovery of millions of dollars in transactions by Fife-owned entities, as well as transactions with issuers listed on a national securities exchange.

3. Second, Defendants have refused to answer a SEC interrogatory – Interrogatory No. 1 -- seeking information about Defendants’ convertible debt transactions; instead, Defendants have referred the SEC to a mass of over 32,000 documents, from which the SEC cannot readily derive responsive information.

4. Accordingly, the SEC respectfully moves this Court to compel Defendants to provide this discovery, which is relevant and proportional to the needs of the case.

5. In accordance with Local Rule 37.2, counsel for the SEC telephonically conferred with counsel for the Defendants on February 2, 2023, in a good-faith effort to resolve the differences raised in this motion, but were unable to reach an accord.

6. The SEC is contemporaneously filing a Memorandum in Support of this motion, with exhibits thereto, as well as a Motion for Leave to File Under Seal Exhibits D and W to the Memorandum in Support.

WHEREFORE, the SEC respectfully requests that the Court: (i) grant this Motion in its entirety; (ii) order Defendants to provide responsive information to the SEC’s discovery requests for all Fife-owned entities and for all “convertible debt” transactions, from 2015 to the present, that meet the definition of that term set forth in the SEC’s discovery requests; (iii) order Defendants to provide a substantive answer to the SEC’s Interrogatory No. 1, instead of merely referring the SEC to documents; and (iv) grant such other and further relief as this Court deems just.

Dated: February 23, 2023

Respectfully submitted,

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION**

/s/ Eric M. Phillips

By: One of Its Attorneys

Eric M. Phillips
Jaclyn J. Janssen
Ariella O. Guardi
United States Securities and Exchange Commission
175 W. Jackson Blvd., Suite 1450
Chicago, IL 60604
(312) 353-7390

Counsel for the SEC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on February 23, 2023, he caused the foregoing document to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the Court's CM/ECF system, which shall send notification of such filing to the following counsel of record:

Helgi C. Walker
Brian A. Richman
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave. NW
Washington, DC 20036
Email: hwalker@gibsondunn.com

Barry Goldsmith
M. Jonathan Seibald
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Email: bgoldsmith@gibsondunn.com

Michael J. Diver
Elliott M. Bacon
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe Street
Chicago, IL 60661
Email: Michael.diver@kattenlaw.com

Counsel for Defendants

/s/ Eric M. Phillips
Eric M. Phillips